1949

File No. B. Prim. Edn (S.A)/49

Legal Dept.
B BRANCH

Subject:— A Bill to amend the Bombay Education Act 1947

L.A. Bill No LV of 1949
Bom. Act No XLVI of 1949

P-2a/E

File No. B. Prim. Edn. (S.A)/49

Con. 194 e.

402-B

Legal Department.

A requisite draft Bill is sent herewith. The amendments proposed in the two nked cases have been in corporated in the draft

11 The subject matter of the Bill falls unde entry 17 read with entries 13 and 33 in List II in the Seventh Schedule to the Government of India Act, 1935. The Bill does not requir any sanction but requires the Governor's recommendation under sention 82(3) of the said Act,. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessayy t o reserce (i) for the consideration of the Governor General with reference to section 107(2) of the said Act.

Sd/-
14/7

Additional Secretary to Government.

U.R. to H. & I.D. No. 7932, dated the 14th July 1949.

K.N.P.
4/6
S.C.

Legal Department.

As desired by Secretary Education and Industries Department the necessary amendment has been included in clause 3 of the draft Bill sent with the linked case.

Sd/-
14/7

Additional Secretary to Government.

U.R. to E.& I.D.No. 7933 dated the 14th July 1949.

K.N.P.
4/6
4.C.

No.12185
Legal Department,
Bombay Castle, 31st October

From

J.R.Dhurandhar, Esquire,
Additional Secretary to the Government
of Bombay, Legal Department.

To

The Private Secretary to the Governor of Bombay.

Subject:- The Bombay Primary Education (Second Amendment) Bill, 1949.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor the authentice copy of the Bombay Primary Education (Second Amendment) Bill, 1949, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 2 and the 29th September 1949, respectively.

2. The subject matter of the Bill falls under entry 17 read with entries 13 and 33 in List II in the Seventh Schedule to the Government of India Act, ~~1935~~. 1935 As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the same for the consideration of t Governor- General with reference to section 107(2) of th Government of India Act, 1935.

3. The date on which His Excellency the Governor assent is given may kindly be entered in the endorsemer

4. I also forward herewith once copy of each of the

1. Bill as introduced in the Bombay Legislative Assembly with the statement of Objects and Reasons.	items Nos. 1, 2 and 4 and two copies of item No.3 of the papers.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 24th and 26th September 1949 and of the Bombay Legislative Council dated the 29th ~~M~~ September 1949.	

noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfu__,,

O.C. signed by Addf. secy

Additional Secretary to the
Government of Bombay.

Through :

The Secrerary to the Government of Bombay,
Education Department,

K.N.P.
5/6
4.C.

A Bill to amend the Bombay Primary Education Act, 1947.

GOVERNMENT OF BOMBAY ,
Legal Department,
Resolution No. 10134

Bombay Castle, 6th September 1949.

RESOLUTION:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Goverbment Gazette, dated the 6th September 1949, as Bill No. LV of 1949.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanggari Scripts) and the translations should be published in the Bombay Government Gazette, on the 13th September 1949.

3. The dated of the various publications should be reported to the Bombay Legislature Department

By order of the Governor of Bombay ,

Sd/- S.L.CHAUDHARI,
Assistant Secretary to Government,

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 300 Gazette copies of the Bill and the S.O.R may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 20 copies for the use of the Education and Industries Department),

The Education and Industries Department } with a copy of the Bill and S.O.R.

The Oriental Translator to Government (with five extra copies of the Bill),

The Bombay Legislature Department,

The Dire-tor of Publicity, Bombay,

The Enquiry Officer for the Secretariat, Bombay

K.M.P.
5/9
4.C.

No. P.S.G.-3254

FROM

L.M.Nadkarni, Esquire, I.C.S.,
THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to the Government of
Bombay, Legal Department.

Subject:- The Bombay Primary Education
(Second Amendment) Bill, 1949.

GOVERNMENT HOUSE.

BOMBAY ~~GANESHKHIND~~ November 7, 1949.

Sir,

With reference to your letter No.12185, dated October 31, 1949, on the above subject I am directed to forward herewith the authentic copy of the Bombay Primary Education (Second Amendment) Bill, 1949 with His Excellency the Governor's assent signified thereon

Yours faithfully,

sd/-

Private Secretary to the Governor
of Bombay.

K.M.P.
5/6
4.G.

Publication of the Bombay Primary Education (Second Amendment) Act, 1949.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. ~~1296~~ 12696

Bombay Castle, 10th November 1949.

Letter to the Private Secretary to the Governor, No-12185, dated the 31st October 1949.

&Letter from the Private Secretary to the Governor, No. P.S.G.-3254, dated the 7th November 1949.

"With reference to your letter No. 12185, dated October 31, 1949, on the above subject I am directed to fward herewith the authentic copy of the Bombay Primary Education (Second Amendment) Bill, 1949, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law sheyld be published as Bombay Act No. XLVI of 1949, in the Bombay Government Gazette dated the 10th November 1949.

2. The Act shoyld be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations sheyld be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Mucation Department.

By order of the Governor of Bombay,

Sd/- S.L.CHANDURKAR,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 30 Gazette copies of thes Act may be forwarded to the Legal Department).

The Education Department,
The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
} with 5 copies of the Act.

With five extra copies of the Act.

The Establishment Branch Legal Department.

K.N.P. 19/6

5/6
4.C.

Submitted

The did as Published as been put up at page 27 post 141 XI one Act as Published has be checked and is in order

Sd/-

14/11/49.

K.H.P.
5/6
A.C.

185

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. Bill No. LV of 1949.

A Bill to amend the Bombay Primary Education Act, 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Bom. LXI of 1947.

Short title.

1. This Act may be called the Bombay Primary Education (Second Amendment) Act, 1949.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947 (hereinafter called the said Act), in the second proviso to sub-section (*i*), for the words "who have passed the matriculation or second year training certificate examination" the following shall be substituted, namely :—

Bom. LXI of 1947.

"who have passed the matriculation or the second year training certificate examination or who possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf".

Amendment of section 5 of Bom. LXI of 1947.

3. In section 5 of the said Act, in clause (*b*), for the words "a magistrate" the words "a salaried magistrate" shall be substituted.

Amendment of section 7 of Bom. LXI of 1947.

4. In section 7 of the said Act, in clause (*a*) of sub-section (*1*), for the words "during three successive months from the meetings" the words "from three consecutive meetings" shall be substituted.

Insertion of new section 10A in Bom. LXI of 1947.

5. After section 10 of the said Act, the following section shall be inserted, namely :—

Authority in place of district school board where there is no district local board.

"10A. (*1*) Notwithstanding anything contained in this Act and save as otherwise provided in section 18-A, in any district for which a district local board has not been established, the powers and duties of the district school board under this Act shall be exercised and performed by such authority as the Provincial Government may appoint. The exercise of such powers and the performance of such duties shall be in accordance with such directions as the Provincial Government may from time to time give.

(*2*) The Provincial Government shall maintain such number of primary schools in such district as it may from time to time determine.

(*3*) When a district local board is established for such district, the Provincial Government may by order direct that with effect from such date as may be specified in the order, hereinafter in this section referred to as the said date,—

(*a*) such primary schools with their lands, buildings, records and equipment as may be specified in the order shall vest in the district school board constituted for the district ;

(*b*) such primary school teachers and other persons as may be specified in the order, who were employed for the purposes of the primary schools maintained by the Provincial Government immediately before the said date, shall be taken over and employed by the said district school board, on the same terms and conditions on which they were employed immediately before the said date or on such other terms and conditions, as the Provincial Government may direct.".

Insertion of heading and new section 18A in Bom. LXI of 1947.

6. After section 18 of the said Act, the following heading and section shall be inserted, namely :—

"*D. Merged Areas.*

Vesting of property and absorption of staff in merged area.

18A. (*1*) In any area administered by virtue of an order made by the Governor General under section 290A of the Government of India Act, 1935, all primary schools with their lands, buildings, records and equipment and all other properties moveable or immovable, which were, vested in, held by or under the control of, Government or a local authority in such area, for the purposes of primary education, immediately before the date on which such order was made, hereinafter in this section referred to as the said date, shall with effect from the said date, if such area has formed part of a district for which a district school

26 Geo 5, Ch. 2.

board has been constituted, vest in, be held by or be under the control of the district school board, and in other cases, the Provincial Government.

(*2*) During the period the properties so vest in or are held by or are under the control of the Provincial Government in any area under sub-section (*1*), it shall be lawful for the Provincial Government or such authority as it may appoint in this behalf to exercise in such area all the powers and perform all the duties of a district school board under this Act.

(*3*) All properties vesting in, held by or under the control of, the Provincial Government under this section shall, on such date as may be notified by the Provincial Government in the *Official Gazette*, vest in, be held by or be under the control of, the district school board constituted for the district in which such area is situated or such authorised municipality as the Provincial Government may specify in the notification.

(*4*) The district school board or the authorised municipality or the Provincial Government, as the case may be shall take over and employ such primary school teachers and other persons as were employed by or under Government or a local authority immediately before the date notified under sub-section (*3*) or the said date, as the case may be, for the purposes of primary education on the same terms and conditions on which such teachers or persons were employed immediately before the relevant date or on such terms and conditions as the Provincial Government may direct.

(*5*) In the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the authorised municipality or the Provincial Government or any particular staff shall be so taken over and employed by any of them or any terms and conditions on which such staff shall be taken over and employed, the matter shall be referred to the Provincial Government whose decision thereon shall be final.".

Amendment of section 35 of Bom. LXI of 1947.

7. In section 35 of the said Act, for the words, 'village bench", wherever they occur, the words "nyaya panchayat" shall be substituted.

Substitution of new section for section 37 of Bom. LXI of 1947.

8. For section 37 of the said Act, the following shall be substituted, namely :—

Administrative Officer to be public servant.

"37. Every Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code." XLV of 1860.

Amendment of section 58 of Bom. LXI of 1947.

9. In section 58 of the said Act, in sub-section (*4*), the word "previous" shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

Consequent on the merger of former state territories with the Province of Bombay, the Bombay Primary Education Act, 1947, will apply to the territories which have merged with the Province. The Act does not contain provision for the transfer, to the district school boards or authorised municipalties which may be constituted under it in those areas, of the teaching and non-teaching staff and the lands, buildings, and properties etc. employed by, vesting in or held by or under the control of Government or a local authority in such areas for the purposes of primary education.

It is also necessary to provide for the maintenance of primary schools in any district for which it may not be possible to constitute a district school board and for the enforcement of the provisions of the Bombay Primary Education Act, 1947, in such area by some agency other than the school board.

It is accordingly proposed to amend the Bombay Primary Education Act, 1947, in order to enable Government to enforce the provisions of the Act in the areas which have merged in the Province as also in districts for which a district school board cannot be constituted.

It is also proposed to amend certain other provisions of the Act which it has been found necessary to do as a result of the working of the Act.

(Signed) B. G. KHER.

Dated the 28th August 1949.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 6th September 1949.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. Bill No. LV of 1949.

A Bill to amend the Bombay Primary Education Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1949.)

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Bom. LXI of 1947

1. This Act may be called the Bombay Primary Education (Second Amendment) Act, 1949. Short title.

Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947 (hereinafter called the said Act) — Amendment of section 4 of Bom. LXI of 1947.

(*1*) in the second proviso to sub-section (*7*), for the words "who have passed the matriculation or second year training certificate examination" the following shall be substituted, namely:—

"who have passed the matriculation or the second year training certificate examination or who possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf".

(*2*) after sub-section (*14*), the following sub-section shall be inserted, namely:—

'(*15*) When any area is added to the limits of a district, during the term of office of the electing district local board of the district, the Provincial Government may, notwithstanding anything contained in the preceding sub-sections, direct that the school board constituted for the district may consist of such number of members exceeding sixteen, and may appoint such persons to be the additional members of the school board to represent the area added to the limits of the district as it thinks fit."

3. In section 5 of the said Act, in clause (*b*), for the words "a magistrate" the words "a salaried magistrate" shall be substituted. Amendment of section 5 of Bom. LXI of 1947.

Amendment of section 7 of Bom. LXI of 1947.

4. In section 7 of the said Act, for clause (*a*) of sub-section (*1*), substitute the following:—

"absents himself from the meetings during three successive months or from three consecutive meetings of the school board whichever period is longer, without the previous permission of the Board, or"

Insertion of new section 10A in Bom. LXI of 1947.

5. After section 10 of the said Act, the following section shall be inserted, namely:—

Authority in place of district school board where there is no district local board.

"10A. (*1*) Notwithstanding anything contained in this Act and save as otherwise provided in section 18-A, in any district for which a district local board has not been established, the powers and duties of the district school board under this Act shall be exercised and performed by such authority as the Provincial Government may appoint. The exercise of such powers and the performance of such duties shall be in accordance with such directions as the Provincial Government may from time to time give.

(*2*) The Provincial Government shall maintain such number of primary schools in such district as it may from time to time determine.

(*3*) When a district local board is established for such district, the Provincial Government may by order direct that with effect from such date as may be specified in the order, hereinafter in this section referred to as the said date,—

(*a*) such primary schools with their lands, buildings, records and equipment as may be specified in the order shall vest in the district school board constituted for the district;

(*b*) such primary school teachers and other persons as may be specified in the order, who were employed for the purposes of the primary schools maintained by the Provincial Government immediately before the said date, shall be taken over and employed by the said district school board, on the same terms and conditions on which they were employed immediately before the said date or on such other terms and conditions, as the Provincial Government may direct".

Insertion of heading and new section 18A in Bom. LXI of 1947.

6. After section 18 of the said Act, the following heading and section shall be inserted, namely:—

"*D. Merged Areas.*

Vesting of property and absorption of staff in merged area.

18A. (*1*) In any area administered by virtue of an order made by the Governor General under section 290A of the Government of India Act, 1935, all primary schools with their lands, buildings, records and equipment and all other properties moveable or immovable, which were vested in, held by or under the control of, Government or a local authority in such area, for the purposes of primary education, immediately before the date on which such order was made, hereinafter in this section referred to as the said date, shall with effect from the said date, if such area has formed part of a district for which a district school board has been

20 Geo. 6, Ch. 2.

constituted, vest in, be held by or be under the control of the district school board, and in other cases, the Provincial Government.

(*2*) During the period the properties so vest in or are held by or are under the control of the Provincial Government in any area under sub-section (*1*), it shall be lawful for the Provincial Government or such authority as it may appoint in this behalf to exercise in such area all the powers and perform all the duties of a district school board under this Act.

(*3*) All properties vesting in, held by or under the control of, the Provincial Government under this section shall, on such date as may be notified by the Provincial Government in the *Official Gazette*, vest in, be held by or be under the control of, the District school board constituted for the district in which such area is situated or such authorised municipality as the Provincial Government may specify in the notification.

(*4*) The district school board or the authorised municipality or the Provincial Government, as the case may be, shall take over and employ such primary school teachers and other persons as were employed by or under Government or a local authority immediately before the date notified under sub-section (*3*) or the said date, as the case may be, for the purposes of primary education on the same terms and conditions on which such teachers or persons were employed immediately before the relevant date or on such terms and conditions as the Provincial Government may direct.

(*5*) In the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the authorised municipality or the Provincial Government or any particular staff shall be so taken over and employed by any of them or any terms and conditions on which such staff shall be taken over and employed, the matter shall be referred to the Provincial Government whose decision thereon shall be final."

Amendment of section 35 of Bom. LXI of 1947.

7. In section 35 of the said Act, for the words "village bench", wherever they occur, the words "nyaya panchayat" shall be substituted.

Substuittion of new section for section 37 of Bom. LXI of 1947.

8. For section 37 of the said Act, the following shall be substituted, namely :—

Administrative Officer to be public servant.

"37. Every Administfative Officer shall be deemed to be a public servant within the meaning of section 21 of the India Penal Code."

XLV of 1860.

Amendment of section 58 of Bom. LXI of 1947.

9. In section 58 of the said Act, in sub-section (*4*) the word "previous" shall be deleted.

STATEMENT OF OBJECTS AND REASONS

Consequent on the merger of former state territories with the Province of Bombay, the Bombay Primary Education Act, 1947, will apply to the territories which have merged with the Province. The Act does not contain provision for the transfer, to the district school boards or authorised municipalities which may be constituted under it in those areas, of the teaching and non-teaching staff and the lands, buildings, and properties etc. employed by, vesting in or held by or under the control of Government or a local authority in such areas for the purposes of primary education.

It is also necessary to provide for the maintenance of primary schools in any district for which it may not be possible to constitute a district school board and for the enforcement of the provisions of the Bombay Primary Education Act, 1947, in such area by some agency other than the school board.

It is accordingly proposed to amend the Bombay Primary Education Act, 1947, in order to enable Government to enforce the provisions of the Act in the areas which have merged in the Province as also in districts for which a district school board cannot be constituted.

It is also proposed to amend certain other provisions of the Act which it has been found necessary to do as a result of the working of the Act.

B. G. KHER.

Dated the 28th August 1949.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LV OF 1949.]

(As read for the third time and passed by the Legislative Assembly on the 26th September 1949.)

A Bill to amend the Bombay Primary Education Act, 1947.

[Mr. B. G. KHER, M.L.A.]

PRINTED AT THE YERAVDA PRISON PRESS, POONA.

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Bom. Act XLVI of 1949

~~L. A. Bill No. LV of 1949.~~

A Bill to amend the Bombay Primary Education Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1949.)

(As read for the third time and passed by the Legislative Council on the 29th September 1949.)

Bom. LXI of 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Primary Education (Second Amendment) Act, 1949.

Bom. LXI of 1947.

Amendment of section 4 of Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947 (hereinafter called the said Act)—

(*1*) in the second proviso to sub-section (*7*), for the words "who have passed the matriculation or second year training certificate examination" the following shall be substituted, namely:—

"who have passed the matriculation or the second year training certificate examination or who possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf";

(*2*) after sub-section (*14*), the following sub-section shall be inserted, namely:—

"(*15*) When any area is added to the limits of a district, during the term of office of the electing district

local board of the district, the Provincial Government may, notwithstanding anything contained in the preceding sub-sections, direct that the school board constituted for the district may consist of such number of members exceeding sixte n, and may appoint such persons to be the additional members of the school board to represent the area added to the limits of the district, as it thinks fit."

Amendment of section 5 of Bom. LXI of 1947.

3. In section 5 of the said Act, in clause (*b*), for the words "a magistrate" the words "a salaried magistrate" shall be substituted.

Amendment of section 7 of Bom. LXI of 1947.

4. In section 7 of the said Act, for clause (*a*) of sub-section (*1*), substitute the following :—

"absents himself from the meetings during three successive months or from three consecutive meetings of the school board whichever period is longer, without the previous permission of the Board, or ".

Insertion of new section 10A in Bom. LXI of 1947.

5. After section 10 of the said Act, the following section shall be inserted, namely :—

Authority in place of district school board where there is no district local board.

"10A. (*1*) Notwithstanding anything contained in this Act and save as otherwise provided in section 18-A, in any district for which a district local board has not been established, the powers and duties of the district school board under this Act shall be exercised and performed by such authority as the Provincial Government may appoint. The exercise of such powers and the performance of such duties shall be in accordance with such directions as the Provincial Government may from time to time give.

(*2*) The Provincial Government shall maintain such number of primary schools in such district as it may from time to time determine.

(*3*) When a district local board is established for such district, the Provincial Government may by order direct that with effect from such date as may be specified in the order, hereinafter in this section referred to as the said date,—

(*a*) such primary schools with their lands, buildings, records and equipment as may be specified in the order shall vest in the district school board constituted for the district ;

(*b*) such primary school teachers and other persons as may be specified in the order, who were employed for the purposes of the primary schools maintained by the Provincial Government immediately before the said date, shall be taken over and employed by the said district school board, on the same terms and conditions on which they were employed immediately before the said date or on such other terms and conditions, as the Provincial Government may direct.".

After section 18 of the said Act, the following heading and section shall be inserted, namely :— Insertion of heading and new section 18A in Bom. LXI of 1947.

"*D. Merged Areas.*

Vesting of property and absorption of staff in merged area.

18A. (*1*) In any area administered by virtue of an order made by the Governor General under section 290A of the Government of India Act, 1935, all primary schools with their lands, buildings, records and equipment and all other properties moveable or immovable, which were vested in, held by or under the control of, Government or a local authority in such area, for the purposes of primary education, immediately before the date on which such order was made, hereinafter in this section referred to as the said date, shall with effect from the said date, if such area has formed part of a district for which a district school board has been constituted, vest in, be held by or be under the control of the district school board, and in other cases, the Provincial Government. 26 Geo. 5, Ch. 2.

(*2*) During the period the properties so vest in or are held by or are under the control of the Provincial Government in any area under sub-section (*1*), it shall be lawful for the Provincial Government or such authority as it may appoint in this behalf to exercise in such area all the powers and perform all the duties of a district school board under this Act.

(*3*) All properties vesting in, held by or under the control of, the Provincial Government under this section shall, on such date as may be notified by the Provincial Government in the *Official Gazette*, vest in, be held by or be under the control of, the district school board constituted for the district in which such area is situated or such authorised municipality as the Provincial Government may specify in the notification.

(*4*) The district school board or the authorised municipality or the Provincial Government, as the case may be, shall take over and employ such primary school teachers and other persons as were employed by or under Government or a local authority immediately before the date notified under sub-section (*3*) or the said date, as the case may be, for the purposes of primary education on the same terms and conditions on which such teachers or persons were employed immediately before the relevant date or on such terms and conditions as the Provincial Government may direct.

(*5*) In the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the authorised municipality or the Provincial Government or any particular staff shall

be so taken over and employed by any of them or any terms and conditions on which such staff shall be taken over and employed, the matter shall be referred to the Provincial Government whose decision thereon shall be final.".

Amendment of section 35 of Bom. LXI of 1947.

7. In section 35 of the said Act, for the words "village bench", wherever they occur, the words "nyaya panchayat" shall be substituted.

Substitution of new section for section 37 of Bom. LXI of 1947.

8. For section 37 of the said Act, the following shall be substituted, namely :—

Administrative Officer to be public servant.

"37. Every Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code."

XLV of 1860.

Amendment of section 58 of Bom. LXI of 1947.

9. In section 58 of the said Act, in sub-section (*4*), the word "previous" shall be deleted.

Government of Bombay

LEGAL DEPARTMENT.

L. A. BILL No. LV OF 1949.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1949.)

(As read for the third time and passed by the Legislative Council on the 29th September 1949.)

A Bill to amend the Bombay Prin Education Act, 1947.

[Mr. B. G. KHER, M.L.A.]

K Bk Hb 186—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.